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**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION**

AUG 20 1999

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

**PETITION BY THE UNITED STATES)
DEPARTMENT OF TRANSPORTATION)
FOR ASSIGNMENT OF AN ABBREVIATED)
DIALING CODE (N11) TO ACCESS)
INTELLIGENT TRANSPORTATION SYSTEM)
(ITS) SERVICES NATIONWIDE)**

FILE NO. NSD-L-99-24

CC DOCKET NO. 92-105

REPLY COMMENTS OF THE 211 COLLABORATIVE

Pursuant to the April 20, 1999, notice of the Federal Communications Commission (Commission), the 211 Collaborative hereby files these Reply Comments in the captioned proceeding.¹ The 211 Collaborative responds to the comments of MCI WorldCom, Inc. (MCI),

¹ The current members of the 211 Collaborative are:

National

Alliance of Information and Referral Systems
United Way of America

Statewide

First Call Minnesota
Florida Alliance of Information and Referral Services
Illinois Alliance of Information and Referral Systems
Information & Referral Providers of Wisconsin
Massachusetts Alliance of Information and Referral Systems
Nebraska 211 Coalition
New York Alliance of Information and Referral Systems
North Carolina Alliance of Information and Referral Systems
Ohio Council of Information & Referral Providers
Texas Information and Referral Network
United Way of Connecticut

Metropolitan

Community Information Toronto
INFO LINE of Los Angeles
LIFE LINE, The Health Association
United Way 211 Atlanta

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the Commonwealth of Kentucky Transportation Cabinet (KYTC) and the Ohio Department of Transportation (ODOT).

I. The United States Department of Transportation (USDOT) And The 211 Collaborative Are Not Competing For 211.

The central premise of MCI's comments is that USDOT and the 211 Collaborative are "competing petitioners seeking a 211 assignment." MCI Comments at 1. Nothing could be further from the truth. USDOT has not requested assignment of a specific N11 number, let alone requested that the Commission assign USDOT 211, and deny the 211 Collaborative's pending petition for assignment. USDOT's petition and that of the 211 Collaborative are not mutually exclusive. At least two N11 numbers remain unassigned by the FCC, i.e., 211 and 511. Thus, the Commission readily can grant both the USDOT's request (by assigning 511 for access to traffic information) and the 211 Collaborative's petition (by assigning 211 for access to community resource information and referral services).

II. The Commission Should Not Initiate A New, General Rulemaking Proceeding Regarding Assignment Of N11 Numbers As MCI Urges.

MCI offers virtually the same comments in response to USDOT's petition as it filed in response to the 211 Collaborative's request for assignment of 211 for access to community resource information and referral services. Thus, as it did in response to the 211 Collaborative's petition, MCI urges the Commission to initiate a new, and no doubt prolonged, rulemaking proceeding to review every aspect of all abbreviated dialing arrangements, "including scarce 'N11' codes." MCI Comments at 4. MCI has not shown that such a review, which would further delay action on the 211 Collaborative's year-old petition, is warranted.

In support of its request for a new rulemaking proceeding, MCI offers a variety of considerations that it claims warrant a far-ranging inquiry into abbreviated numbering issues generally, including N11 assignments. None of the considerations cited by MCI provide a

rationale for the Commission to embark anew on an examination of N11 numbering issues. Insofar as the public policy considerations surrounding N11 assignments are concerned, the Commission already has spoken. In its First Report and Order, the Commission indicated that the valuable resource of N11 dialing codes should be dedicated to the highest public use, and not to the highest commercial bidder.² Thus, contrary to MCI's claims, the question of whether N11 codes should be reserved for non-commercial uses already has been addressed. (MCI Comments at 5) There is no need for the Commission to revisit this issue in the context of the two pending petitions for N11 assignments.³

Similarly, issues surrounding abbreviated dialing codes generally have been examined in detail *at the Commission's direction* by the North American Numbering Council's ("NANC").

Significantly, the NANC Working Group's report on numbering issues concluded that N11 codes "are not a viable option for . . . abbreviated dialing as identified by the Commission" in FCC97-51. Report and Recommendations of the Abbreviated Ad Hoc Working Group to NANC

¶7. Thus, even crediting MCI's claim that several issues remain to be resolved by the Commission concerning abbreviated dialing codes generally, that inquiry need not - and indeed, according to the NANC report, should not - include an examination of N11 numbers. The Commission's deliberations on abbreviated dialing arrangements generally should proceed on a track separate from the assignment of the remaining N11 numbers.

² In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements, 12 FCC Rcd. 5572 (Feb. 19, 1997) ("First Report and Order"), mimeo at 72.

³ MCI suggests that the Commission should examine whether the 611 and 811 dialing codes, which currently are used internally by LECs, should be available for assignment to other uses. MCI Comments at 3. Even assuming that MCI's concerns about 611 and 811 had merit (an issue on which the Collaborative takes no position), that inquiry would be utterly unrelated to the merits of either the 211 Collaborative's petition or that of USDOT. If MCI believes a rulemaking is required to examine the current use of 611 and 811, it should ask the Commission to initiate a new rulemaking specific to this issue.

Finally, MCI raises a number of technical issues, such as how routing and switching would work, and whether abbreviated dialing arrangements of incumbent LECs would be subject to unbundling, resale and structural separation requirements. MCI Comments at 4. None of these issues justifies sidetracking action on the petitions of either the 211 Collaborative or the USDOT. Although the concerns raised by MCI may well be appropriate topics for consideration when the Commission addresses the NANC report and takes further action on non-N11 abbreviated dialing arrangements, these issues are not germane to a Commission decision on either the 211 Collaborative's petition or USDOT's petition.

Moreover, several of the concerns raised by MCI relate to implementation issues that are best resolved on a local basis, consistent with the Commission's approach to the 311 dialing code. Issues such as implementation deadlines, routing and switching issues, and reallocation of existing commercial uses of N11 codes are highly fact-intensive and are well-suited to the processes and resources of the various state public utility commissions. Other MCI issues involve second or third tier policy questions that need not be resolved prior to a decision on the first tier policy issue of whether a national assignment of N11 dialing codes for access to community information and referral services and for access to traffic information is in the public interest.

MCI readily acknowledges the public benefits that would flow from the assignments requested by the petitions of 211 Collaborative and USDOT.⁴ There is no need to delay the realization of these benefits by tying them to the outcome of a lengthy rulemaking proceeding that would do nothing to enhance the Commission's ability to make a reasoned decision on whether those petitions should be granted. The records in the 211 Collaborative and USDOT proceedings are now fully developed, and now is the time for the Commission to act on them.

III. Significant Efforts And Resources Have Been Expended By Members Of The 211 Collaborative And Other Parties To Develop And Obtain Assignment Of 211 For Use By Community Resource Information And Referral Services.

The USDOT's Petition received considerable support from state and local transportation agencies. However, the vast majority of commenters in support of the USDOT Petition expressed no preference for assignment of a particular N11 dialing code for access to traffic information services. Accordingly, it is clear that the goal of the USDOT and most of its supporters is to obtain the assignment of a nationally applicable, three-digit code, without regard to whether that code is 211, 511 or some other N11 number.⁵

⁴ With respect to the 211 Collaborative's petition, MCI rightly praised the goals of establishing an N11 code for community services: "There can be no doubt that the community resources provided by the AIRS Petitioners are crucial aspects of local social support services. Nor is it unreasonable to conclude that, as the AIRS Petitioners suggest, difficulties in locating appropriate toll-free numbers make access to these potentially life-saving services frustrating in human emergencies, such as shelter, food, substance abuse, family problems and other circumstances that are inappropriate for "911" emergency services. The proposed 211 dialing code would therefore serve a useful and important public purpose." Comments of MCI Telecommunications Corp. (MCI) at 3 (filed September 8, 1998 in Docket No. CC92-105, NSD File L-98-80).

⁵ The 211 Collaborative does not oppose USDOT's Petition. However, the travel information that the USDOT anticipates would be available from an N11 service differs fundamentally from the pressing human needs that would be addressed under the 211 Collaborative's proposal. Therefore, separate N11 numbers should be assigned for these two very distinct uses.

The 211 Collaborative is aware of only two commenters that seek assignment of the 211 dialing code in response to USDOT's petition, namely the KYTC and the ODOT. According to their comments, the KYTC and the ODOT have implemented pilot programs that enable customers of one local exchange carrier and certain cellular phone companies that provide service in the Cincinnati/Northern Kentucky Urbanized Area to use 211 to access traffic information services. Both of these pilot programs are due to expire later this year,⁶ and the ODOT apparently has not requested the Public Utilities Commission of Ohio to extend the program.⁷

The 211 Collaborative's view that USDOT's petition is not competitive with the 211 Collaborative's petition hinges on two facts: 1) there remain at least two unassigned N11 numbers, i.e., 211 and 511 and; 2) USDOT and the overwhelming majority of commenters supporting the USDOT petition appear willing to accept assignment of any N11 code for access to traffic information, including 511. The 211 Collaborative is sympathetic to the fact that the KYTC/ODOT pilot programs currently are using 211 for access to traffic information services. However, members of the 211 Collaborative have engaged in significant nationwide efforts to obtain the specific dialing code of 211. The magnitude of those efforts, which have already resulted in permanent 211 programs in some areas, stand in sharp contrast to the about-to-expire KYTC/ODOT pilot programs. Therefore, the 211 Collaborative respectfully submits that

⁶ The KYTC states in its comments that its program is due to expire on October 21, 1999. KYTC Comments, attachment 1, at 1. According to the Public Utilities Commission of Ohio (PUCO), the ODOT program is due to expire on September 4, 1999. Comments of the PUCO at 3.

⁷ The PUCO states in its comments that it has not received information from ODOT on how receptive Ohio's traveling public has been to ODOT's trial program, but that the PUCO anticipates receiving such information "if and when ODOT petitions the PUCO for authority to continue, for the same purpose, its existing use of an N-1-1 service. . ." PUCO Comments at 5.

KYTC/ODOT's limited use of 211 does not justify assignment of 211 on a national basis for travel-related information.

In contrast to USDOT, the 211 Collaborative is seeking assignment of a specific N11 dialing code. The 211 Collaborative has undertaken significant, coordinated, national efforts to pursue use of 211 as a point of access for persons in need of assistance. The constituency of the 211 Collaborative alone attests to the breadth of the commitments that have been undertaken to date to make 211 the dialing code to access community resource information and referral services across the country. The 211 Collaborative currently consists of 17 official members, all of which share the common mission of connecting people to the valuable human services available in their communities. The members of the Collaborative include two national organizations, eleven statewide entities and four metropolitan organizations.

The 211 Collaborative's request for assignment of 211 to access community resource agencies has been pending before this Commission since May 28, 1998. The 211 dialing code has been used for this purpose in a 13 county area of Georgia since June of 1997.⁸ The resounding success of this program has prompted other Georgia jurisdictions to pursue implementation of 211 programs. In January of this year, the 211 dialing code became the point of access to community and government services for the entire state of Connecticut.⁹ Petitions

⁸ On May 6, 1997, the Georgia Public Service Commission assigned the 211 dialing code for use by Atlanta's United Way 211 in providing free access to community I&R in the 13 counties in and around Atlanta. The United Way 211 call center in Atlanta provides access to information and referral services to persons in need, using a data base of over 2,000 human and social service resources. Approximately \$1.6 million was invested to develop and implement the 211 call centers in the Atlanta metropolitan area. United Way 211's current annual operating budget exceeds \$2 million.

⁹ The 211 call centers in Connecticut are supported by state, federal and private funding. The State of Connecticut has made a significant financial commitment to the 211 dialing code. In this regard, to initiate use of 211, the State invested \$920,000 in computer equipment upgrades, added \$1.3 million to the existing budget for Infoline's call centers, and spent \$250,000 to market the 211 dialing code within the State.

for assignment of 211 to access community and human resource services on a statewide basis are pending in two states, and 211 programs are under consideration in many other states.

IV. Conclusion

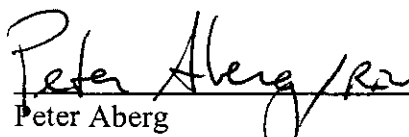
USDOT is willing to accept assignment of 511. The 211 code has already been permanently assigned in Connecticut and parts of Georgia for community resource information and referral, subject only to this Commission assigning the number for a different purpose. In these circumstances, the 211 Collaborative respectfully submits that the 211 dialing code should not be assigned for access to travel information. Rather, the reasonable course of action for the Commission is to assign 511 for the purpose advocated by USDOT and to grant the 211 Collaborative's petition for assignment of 211 to access community resource information and referral services.

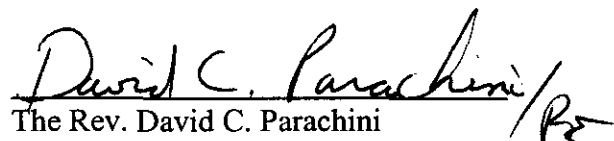
The 211 Collaborative further urges the Commission to act on its petition in the near future. In this regard, one state commission has cited the pendency of the Collaborative's petition before the Commission as a basis for declining to assign 211 at the state level for access to community resource information. Specifically, the Wisconsin Public Service Commission (WPSC) recently rejected a petition to designate 211 as a social services portal on the grounds that the FCC is the more appropriate agency to act on the matter. According to press reports, a spokesperson for the WPSC explained that the FCC is "reviewing whether they want to assign 211 for local agency program purposes" and that the WPSC expects the FCC "to act on it soon."¹⁰ Given this apparent perception by the WPSC, and perhaps other state commissions, the 211 Collaborative respectfully urges the FCC to act promptly on its petition to avoid delaying the


¹⁰ Milwaukee Journal Sentinel, August 13, 1999 at 3.

efforts of those individuals and groups that stand ready to implement much needed 211 programs as soon as the three digit code is assigned.

Respectfully submitted,


Peter Aberg
Executive Director
Alliance of Information and Referral Systems
P.O. Box 31668
Seattle, WA 98103
(206) 632-2477


The Rev. David C. Parachini
Co-Chair
United Way of Connecticut
1344 Silas Dean Highway
Rocky Hill, CT 06067
(860) 571-7500


Irv Katz
Vice President Community Impact
United Way of America
701 North Fairfax Street
Alexandria, VA 22314-2045
(703) 836-7112